



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This hearing dealt with the Tenant's Application for Dispute Resolution, seeking to cancel a Notice to End Tenancy issued by the Landlord for the Landlord's use of the property. The tenant also applied for the recovery of the filing fee. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues(s) to be Decided

Has the Landlord validly issued the Notice to End Tenancy and does the Landlord have the necessary permits required by law?

Background and Evidence

The tenancy started in March 2009. The Landlord issued the Tenant a two month Notice to End Tenancy, dated June 28, 2012 with an effective date of September 01, 2012. The reason the Landlord gave the Notice to the Tenant is described as, the Landlord has all necessary permits and approvals required by law to demolish or repair the rental unit in a manner that requires the unit to be vacant. The landlord agreed that he had applied for the necessary permits but the permits were not yet issued by the City.

Analysis

The Act requires permits and approvals required by law, to be obtained prior to the Landlord issuing the Notice to End Tenancy. In this case the Landlord had not yet obtained the necessary permits prior to serving the notice to end tenancy on June 28, 2012. Therefore, I find that the Notice to End Tenancy must be set aside. Since the tenant has proven her case, she may recover the filing fee from a future rent.

Conclusion

The Notice to End Tenancy is set aside and the tenancy will continue. The tenant may make a onetime deduction of \$50.00 from a future rent.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 25, 2012.

Residential Tenancy Branch